



SIM GILL

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Civil Division

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Justice Division

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Justice Division

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Operations

September 4, 2026

Chief Jeremy Robertson
West Jordan Police Department
8040 S. Redwood Road
West Jordan, UT 84088

Commissioner Beau Mason
Department of Public Safety
4501 South 2700 West
Salt Lake City, Utah 84129

RE:	JSOG Operators' Use of Deadly Force
Incident Location:	1889 W. 7265 S., West Jordan, UT
Incident Date:	September 2, 2025
UPD Case No.:	CO25-77116
WJPD Case No.:	WJ25-43757
DA Case No.:	25INV000955

Dear Chief Robertson and Commissioner Mason:

This letter addresses the September 2, 2025, use of deadly force by Joint Special Operations Group ("JSOG") operators against Elhelbawy Adam Idrees during a police standoff at a residence in West Jordan.¹ Specifically, the officers who used deadly force were West Jordan Police Department ("WJPD") Detective Casey Bronson, WJPD Detective Bo Reier, WJPD Detective Alex Hofheins, WJPD Lieutenant Tyler Webster, Utah State Bureau of Investigation ("SBI") Agent Nick Hansen, WJPD Sergeant Brian White, WJPD Officer Kaden Strasters, WJPD Detective Aaron Curtis, and WJPD Detective Chris Martinez (collectively, "Involved Officers").

The Involved Officers' discharge of their firearms constitutes the "use of a 'dangerous weapon,'" which is defined under Utah law as "a firearm or an object that in the manner of its use or intended use is capable of causing death or serious bodily injury to a person." Utah Code § 76-2-408(1)(a), (f). As a result, pursuant to Utah State law and an agreement among participating law enforcement agencies called the "Officer Involved Critical Incident" ("OICI") Investigative Protocol (*see* Utah Code § 76-2-408(2)-(3)), an investigative task force was called in to investigate the use of deadly force. The investigative task force was led by the Unified Police Department of Greater Salt Lake ("UPD") protocol team and comprised of law

¹ JSOG is comprised of officers from West Jordan Police Department's SWAT team and Utah Highway Patrol's Special Emergency Response Team ("SERT").

enforcement officers employed by agencies other than WJPD, SBI, Utah Highway Patrol, or any other Utah Department of Public Safety entity. After the investigation, on December 12, 2025, the investigative task force's findings were presented to the Salt Lake County District Attorney's Office ("DA's Office"), which has the constitutional and statutory mandate to screen such matters for possible criminal charges.²

SUMMARY OF FACTS AND FINDINGS

The following summary of facts was developed from the OICI protocol investigation. Should additional or different facts subsequently come to light, the opinions and conclusions contained in this letter may likewise be different.

On September 2, 2025, at 4:16 p.m., a male who we refer to as "B. V." called 911 and reported that there was a man in his house threatening him "with a machine gun," that he had gone next door, and that there were three female tenants still inside the residence.³ WJPD officers were dispatched to the call. After speaking with B. V., officers safely evacuated the three females, who confirmed that there was a male armed with a rifle inside, and said that his name was Elhelbawy Idrees, that he had been awake for three days on methamphetamines, that he did not live there and was just visiting, that he had just got out of prison, and that there was a fourth female still inside.

Due to the nature of the call, on-duty WJPD SWAT operators began responding to the scene, and the entire JSOG was also called out to respond, including armored vehicles. During the initial hours of the incident, officers had phone contact with Mr. Idrees, who said he would be coming out; however, he never did, and phone contact was eventually lost.

At about 6:00 p.m., JSOG arrived with two armored vehicles—an MRAP and a BearCat—and positioned them together in the cul-de-sac, pointed towards the residence. Over the next several hours, JSOG operators gave numerous commands over the vehicles' loudspeakers for Mr. Idrees to come out with his hands empty, however, Mr. Idrees did not comply. At 6:21 p.m., a fourth female exited the residence, leaving the front door partly open. Mr. Idrees continued to not comply and remained inside.

After a search warrant was approved, JSOG operators deployed a drone inside the residence but were unable to locate Mr. Idrees. At about 9:16 p.m., JSOG operators began implementing a gas plan to force Mr. Idrees to exit the residence. Just before 9:21 p.m., JSOG operators heard coughing from inside the residence, and Mr. Idrees came up from downstairs, fully opened the partially open front door, and came out holding a rifle; as he did so, officers called out that they saw movement and that he had a rifle in his right hand. Mr. Idrees then began raising the rifle in the direction of officers and a total of nine JSOG operators fired their

² Utah Const. Art. VIII, section 16; Utah Code §§ 17-18a-203; *see also id.* at § 77-2-2(4) (defining "screening" as the "process used by a prosecuting attorney to terminate investigative action, proceed with prosecution, move to dismiss a prosecution that has been commenced, or cause a prosecution to be diverted"). "Commencement of prosecution" is further defined as "the filing of an information or an indictment." *Id.* at § 77-2-2(1).

³ B. V.'s address was 1888 W. 7265 S. in West Jordan. B. V. called from next door, at 1888 W. 7265 S.

weapons at him. Eight of the shooting officers were positioned with the armored vehicles in front of the residence and the other shooting officer was positioned on a nearby rooftop.⁴

Additional commands to Mr. Idrees were given and a drone observed that he did not appear to be breathing and that the rifle was underneath his body, with the barrel pointed in the direction of officers. A team of officers approached Mr. Idrees and used a K-9 to separate Mr. Idrees from the rifle and pull him onto the front lawn. A JSOG medic then assessed Mr. Idrees and determined that he was deceased.

During the protocol investigation, Detective Bronson, Detective Hofheins, Lieutenant Webster, and Sergeant White provided written statements about their use of deadly force to investigators; however, Detective Reier, Agent Hansen, Officer Strasters, Detective Curtis, and Detective Martinez refused to be interviewed, as is their constitutional right. Investigators interviewed additional officer and civilian witnesses about the shooting and related events, documented the scene and examined physical evidence, reviewed 911 calls and dispatch recordings and call logs, reviewed body-worn and helmet camera recordings, reviewed drone footage, reviewed home security recordings, examined the Involved Officers' weapons, and reviewed the autopsy findings.

As we discuss in more detail below, we believe the facts of this matter, taken together with reasonable inferences derived from those facts, support a conclusion that if criminal charges were filed against the Involved Officers for their use of deadly force, and a jury (or other finder of fact) was called upon to determine whether their use of deadly force constituted a criminal act, a jury would likely determine that they reasonably believed the "use of deadly force [wa]s necessary to prevent death or serious bodily injury to the officer or an individual other than the suspect." Utah Code § 76-2-404(2)(c). Consequently, we believe that Involved Officers' use of deadly force would likely be subject to the affirmative legal defense of justification under Utah law,⁵ and we decline to file a criminal charge against them.

RELEVANT LEGAL STANDARDS

As relevant here, law enforcement officers are legally justified in using deadly force when:

- (b) effecting an arrest or preventing an escape from custody following an arrest, if:
 - (i) the officer reasonably believes that deadly force is necessary to prevent the arrest from being defeated by escape; and

⁴ Detective Bronson fired his rifle from the rooftop of 1873 W. 7265 S. Detective Reier fired his rifle from the rear driver's side of the MRAP. Detective Hofheins fired his rifle from the MRAP turret. From the driver's side of the BearCat, Lieutenant Webster fired his handgun, Agent Hansen fired his rifle, and Sergeant White fired his handgun. From the rear passenger side of the BearCat, Officer Strasters fired his handgun, Detective Curtis fired his rifle, and Detective Martinez fired his handgun.

⁵ A jury is instructed that if the evidence in a case supports an affirmative defense, they must find the person charged "not guilty" of the alleged offense.

- (ii) (A) the officer has probable cause to believe that the suspect has committed a felony offense involving the infliction or threatened infliction of death or serious bodily injury; or

(B) the officer has probable cause to believe the suspect poses a threat of death or serious bodily injury to the officer or to an individual other than the suspect if apprehension is delayed; or
- (c) the officer reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury to the officer or an individual other than the suspect.

Utah Code § 76-2-404(2) (emphasis added).⁶

Based on this statute, the legal defense of justification, then, may be available where a law enforcement officer “reasonably believes that the use of deadly force is necessary to prevent death or serious bodily injury[⁷] to the officer or an individual other than the suspect.” Utah Code § 76-2-404(2)(c). That affirmative defense may also be available where a law enforcement officer “reasonably believes that deadly force is necessary” to prevent a suspect’s escape and the officer had probable cause to believe the suspect posed “a threat of death or serious bodily injury to the officer or to others if apprehension is delayed.” Utah Code § 76-2-404(2)(b). In determining whether the use of deadly force was “justified” under Utah law, several factors may be considered, including: (i) the nature of the danger; (ii) the immediacy of the danger; and (iii) the probability that the unlawful force would result in death or serious bodily injury. *See* Utah Code § 76-2-402(5).

Although Utah statutory law does not fully differentiate standards of “reasonableness” as between law enforcement officers and civilians (*compare* Utah Code § 76-2-402 (universal application), *with* Utah Code § 76-2-404 (application to law enforcement officers only)), the United States Supreme Court did in *Graham v. Conner*, 490 U.S. 386 (1989). In *Graham*, the Supreme Court instructed that “reasonableness” for law enforcement officers must be assessed in light of a “reasonable officer on the scene, rather than with the 20/20 vision of hindsight.” *Id.* at 396 (internal citations omitted). The Supreme Court held that this determination “requires a careful balancing of the nature and quality of the intrusion on the individual’s Fourth

⁶ Also relevant, but less so given the officer’s status as a law enforcement officer, is the articulation of “justification” in Utah State law that applies to individuals more generally, including civilians, as provided in Utah Code § 76-2-402(2):

- (a) An individual is justified in threatening or using force against another individual when and to the extent that the individual reasonably believes that force or a threat of force is necessary to defend the individual or another individual against the imminent use of unlawful force.
- (b) An individual is justified in using force intended or likely to cause death or serious bodily injury [*i.e.*, deadly force] only if the individual reasonably believes that force is necessary to prevent death or serious bodily injury to the individual or another individual as a result of imminent use of unlawful force, or to prevent the commission of a forcible felony...

⁷ “Serious bodily injury” is defined, in turn, as “bodily injury that creates or causes serious permanent disfigurement, protracted loss or impairment of the function of any bodily member or organ, or creates a substantial risk of death.” Utah Code § 76-1-101.5(17).

Amendment interests . . . against the countervailing governmental interests at stake.” *Id.* Finally, the *Graham* court instructed:

Because “[t]he test of reasonableness under the Fourth Amendment is not capable of precise definition or mechanical application,” . . . Its proper application requires careful attention to the facts and circumstances of each particular case, including the severity of the crime at issue, whether the suspect poses an immediate threat to the safety of the officers or others, and whether [the suspect] is actively resisting arrest or attempting to evade arrest by flight.

Id. (citations omitted and emphasis added).

RELEVANT ETHICAL STANDARDS

The DA’s Office files cases that satisfy ethical standards and considerations in addition to legal standards for filing.⁸ Honoring ethical standards ensures that everyone who is affected by the criminal justice system—suspects, defendants, victims, the community, and the system itself—is treated fairly, honorably, and respectfully.

Among the ethical standards considered before the DA’s Office will commence a case is whether there is a reasonable likelihood of success at trial. *See* American Bar Association Criminal Justice Standards, Prosecution Function 3-4.3. It is not enough that the technical elements of crime may be met if, when presenting those facts to a jury, the prosecution strongly believes no reasonable jury would unanimously convict the defendant based on those facts. Accordingly, any screening decision by the DA’s Office includes careful consideration of the various factors a jury may consider when weighing testimony, evaluating evidence, applying the law, and rendering a verdict.

In addition to the ethical standards for filing and maintaining criminal charges, the DA’s Office must also consider the unique procedural hurdles of a Utah prosecution, particularly where a defense includes a claim of a justified use of force, a claim of self-defense, or defense of others. In the 2021 General Session of the Utah State Legislature, legislators enacted a new pretrial justification process available to defendants who are charged with a crime involving the use or threatened use of force. If a defendant makes a *prima facie* claim of justification, the prosecution must disprove the justification claim by clear and convincing evidence or the case will be dismissed with prejudice. *See* Utah Code § 76-2-309. If an officer who used deadly force has a colorable claim of justification, the DA’s Office has an ethical obligation to evaluate whether that claim can be disproven by clear and convincing evidence to a judge at a justification hearing and then disproven again beyond a reasonable doubt to a jury at trial.

⁸ Among the legal rules a prosecutor must follow is the requirement that “probable cause” must exist to believe an offense (i) was committed and (ii) was committed by the accused. *See, e.g.,* Utah R. Crim. Pro. 4(c). In making that determination, the DA’s Office must evaluate all evidence that will be legally admissible for or against the accused but may disregard evidence that likely will not be admissible at trial (*e.g.,* a coerced statement).

FACTS DEVELOPED DURING OICI INVESTIGATION

The following facts were developed from the protocol investigation of the matter. As noted previously, UPD led an investigative task force of law enforcement officers who conducted the investigation of the Involved Officers' use of deadly force, and the protocol investigation's findings were presented on December 12, 2025, to the DA's Office to screen for possible criminal charges. Should additional or different facts subsequently come to light, the opinions and conclusions contained in this letter may likewise be different.

On September 2, 2025, at 4:16 p.m., a male who we refer to as "B. V." called 911 and reported that there was a man in his house threatening him "with a machine gun," that he had gone next door, and that there were three female tenants still inside the residence.⁹ WJPD Officers Gordon and Frost were dispatched to the call.

Upon arriving in the area, Officers Gordon and Frost made contact with B. V., who confirmed that the male had a weapon and had threatened to kill him and that the female tenants were still inside.¹⁰ Additional officers also began responding to the call, set up containment, and launched a drone overhead. Officers were able to safely evacuate the three female tenants from the residence.¹¹ The females confirmed that there was a male armed with a rifle inside, and said that his name was Elhelbawy Idrees, that he had been awake for three days on methamphetamines, that he did not live there and was just visiting, that he had just got out of prison, and that there was a fourth female still inside.¹²

At about 4:54 p.m., on-duty WJPD SWAT operators began arriving to the area, forming an Immediate Action ("IA") team and staging in the cul-de-sac behind police vehicles; shortly after, the entire JSOG was called out to respond, including armored vehicles. Officers learned that Mr. Idrees had a warrant for felony discharge of a firearm, that he had been convicted of the felony discharge, and that he was flagged as "armed" and "gang affiliation."¹³ Officers also contacted Mr. Idrees' AP&P parole agent, who advised that he was currently wanted on a "no

⁹ B. V.'s address was 1888 W. 7265 S. in West Jordan. B. V. called from next door, at 1888 W. 7265 S.

¹⁰ Officers Gordon and Frost arrived at approximately 4:24 p.m., staging down the street and around a corner, away from the residence.

¹¹ The drone was launched at about 4:35 p.m. The first female tenant, who we refer to as "D. S." left the residence at about 4:37 p.m., shortly after, two other tenants, who we refer to as "A. A." and "Y. A.," left the residence at about 4:45 p.m.

¹² Mr. Idrees also went by the nicknames of "Ace" and "Boba." We refer to the fourth female, who was visiting the residence, as "A. S."

¹³ The warrant was issued by the Utah Board of Pardons. Mr. Idrees was convicted on July 13, 2018 of Felony Discharge of a Firearm, a 2nd Degree Felony, and ultimately sentenced to an indeterminate term of 3-15 years in the Utah State Prison (*State of Utah v. Elhelbawy Adam Idrees*, Utah Third District Court, Case No. 181902004), and convicted on September 30, 2022 of Possession of a Dangerous Weapon by Restricted Person, a 2nd Degree Felony, and sentenced to an indeterminate term of 1-15 years in the Utah State Prison (*State of Utah v. Elhelbawy Adam Idrees*, Utah Third District Court, Case No. 211911032). In addition, Mr. Idrees was convicted on May 3, 2022, of Felon in Possession of a Firearm, a violation of 18 U.S.C. § 922(g)(1), and sentenced to Federal Bureau of Prisons custody for a term of 27 months (*U.S.A. v. Elhelbawy Adam Idrees*, United States District Court for the District of Utah, Case No.: 2:21-cr-00484-CW). Mr. Idrees spent time in federal custody from April 2023 to May 2025, and the Utah Board of Pardons and Parole granted parole on May 28, 2025.

bail” warrant and to use “extreme caution” with him, that he had been shot before by police, and that he was very dangerous and most likely wouldn’t want to go back to prison.¹⁴

During the initial hours, WJPD Sergeant Lofgran had phone contact with Mr. Idrees and attempted to negotiate with him to come out peacefully.¹⁵ During their contacts, Mr. Idrees stated multiple times that he would be coming out and for police not to shoot.¹⁶ Phone contact was eventually lost.

Meanwhile, at about 6:00 p.m., JSOG arrived with two armored vehicles—an MRAP and a BearCat—and positioned them together in the cul-de-sac, pointed towards the residence.¹⁷ JSOG operators then began giving commands over the vehicles’ loudspeakers for Mr. Idrees to come out with his hands empty. At about 6:21 p.m., a fourth female exited the residence and went to officers, leaving the front door partly open; officers could then see inside the split-level entryway.¹⁸ Mr. Idrees continued to not comply and remained inside.

Over the next couple hours, commands continued over the vehicles’ loudspeakers. JSOG operators remained in positions of containment around the residence, shined spotlights on the front of the residence as it got dark, and deployed multiple flash bangs in front of the residence.

At about 8:41 p.m., a search warrant was approved and JSOG operators deployed a drone into the open front door of the residence but were unable to locate Mr. Idrees (several doors were closed in the basement).¹⁹ At about 9:16 p.m., JSOG operators began implementing a gas plan to force Mr. Idrees to exit the residence, deploying chemical gas into windows and doors of the residence.

Just before 9:21 p.m., JSOG operators heard coughing from inside the residence, and Mr. Idrees came up from downstairs, fully opened the partially open front door, and then came out holding a rifle; as he did so, officers called out that they saw movement and that he had a rifle in his right hand.²⁰ Mr. Idrees then began raising the rifle in the direction of officers, and a total of nine JSOG operators fired their weapons. Eight of the shooting officers were positioned with the armored vehicles in front of the residence and the other shooting officer was positioned on a

¹⁴ Officer Gordon spoke with Mr. Idrees’ AP&P parole agent at about 5:18 p.m.

¹⁵ Phone contact was inconsistent and Mr. Idrees would hang up and not be very cooperative.

¹⁶ For example, Mr. Idrees stated that he was going to come out with hands up, that he would be exiting, that he was going to say a prayer and then come out, that nobody was with him, and that he was coming out (see call notes, between 5:02 p.m. and 6:04 p.m.). Additionally, Mr. Idrees stated that he was “coming out” and then stated, “I ain’t trying to get shot” (Lofgran BWC-1802 at timestamp 18:04:32), and “Hey, I’m coming out, bro. But y’all freaking me out. I’m sure y’all gonna shoot me” (Lofgran BWC-1802 at 18:07:29).

¹⁷ The MRAP was positioned to the north of the BearCat.

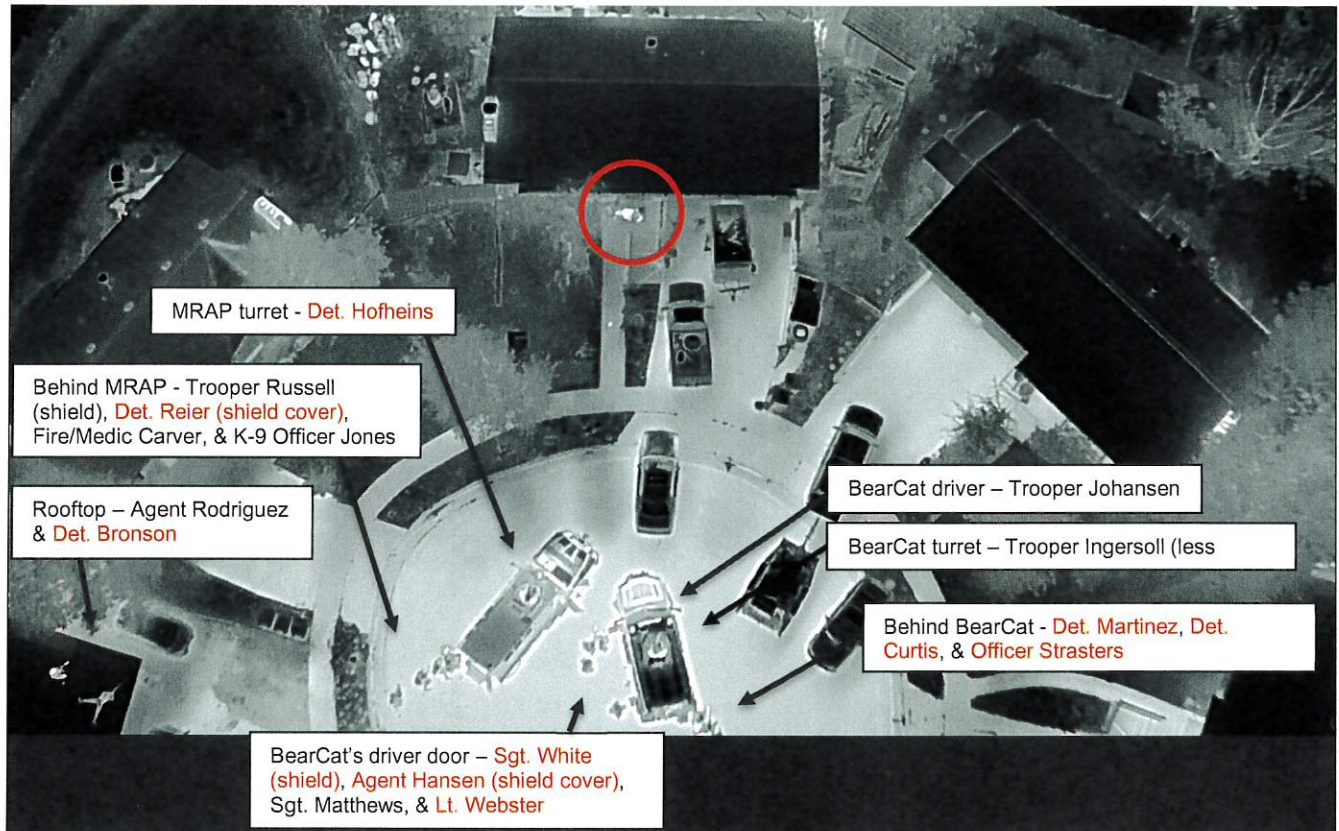
¹⁸ The fourth female, who we refer to as “A. S.” was visiting the residence. After exiting, she told officers she heard breaking in the basement, maybe glass, but didn’t see anyone.

¹⁹ The warrant was signed at 8:36 p.m.

²⁰ Movement at the front door is first captured at 9:20:57 p.m.

nearby rooftop.²¹ Notably, as captured by Agent Hansen's helmet camera, shots were fired approximately 10 seconds after movement at the front door was first captured.²²

The following overhead drone image—taken more than a minute after the shooting—provides an indication of officer positioning; the labels indicate the approximate areas where officers were determined to have been when they fired (Involved Officers are indicated in red):



After shots were fired, officers gave additional commands to Mr. Idrees and used drones to observe his status (he did not appear to be breathing and had a rifle underneath his body, with the barrel pointed in the direction of officers). A team of JSOG operators tactically approached Mr. Idrees and used a K-9 to separate Mr. Idrees from the rifle, pulling him off the front porch and onto the front lawn. JSOG Medic Carver then assessed Mr. Idrees and determined that he was deceased.

During the investigation, investigators located a total of 81 spent casings—53 rifle casings and 28 handgun casings—which investigators determined were fired by the Involved Officers. Notably, investigators did not locate any spent casings in the vicinity of the front porch

²¹ Hansen-4 at timestamp 20:20:07-20:21:13 (shots are heard for a little less than six seconds). Detective Bronson fired his rifle from the rooftop of 1873 W. 7265 S. Detective Reier fired his rifle from the rear driver's side of the MRAP. Detective Hofheins fired his rifle from the MRAP turret. Lieutenant Webster fired his handgun, Agent Hansen fired his rifle, and Sergeant White fired his handgun from the driver's side of the BearCat. Officer Strasters fired his handgun, Detective Curtis fired his rifle, and Detective Martinez fired his handgun from the rear passenger side of the BearCat.

²² Hansen-4 at timestamp 20:20:57 (movement first seen) and 20:21:07 (shots begin).

or fired from Mr. Idrees' weapon. Investigators determined that the shooting distance for the eight Involved Officers who fired from the area of the armored vehicles was approximately 20-26 yards, and the shooting distance for the officer on the nearby rooftop, Detective Bronson, was approximately 52 yards.

Witness Statements

Detective Bronson

Detective Bronson provided a written statement to investigators regarding the incident.²³ Detective Bronson said that after he arrived on scene, he was assigned to be a designated marksman (sniper); as a sniper, his role was to provide cover for the team at a safe distance while observing and reporting any new information as it developed. Detective Bronson said that as he deployed, he took his two issued rifles, a .308 caliber Accuracy International and a .223 caliber TRIARC. Detective Bronson said he positioned on a front porch where he could see the front door of the residence where Mr. Idrees was located; after other members of the SWAT team and armored vehicles moved closer, he no longer had visual of the front door. Detective Bronson said he moved to a new position on the roof of the residence located at 1873 West 7265 South. Detective Bronson said that after another operator got up onto the roof with him, they positioned themselves on the southeast side of the roof. Detective Bronson said that from where he was positioned, he could see the front door to the residence where Mr. Idrees was located, 1889 West 7265 South, and that he used his range finder to see how far away he was from the front door and he was approximately 48 meters. With respect to the events surrounding the use of deadly force, Detective Bronson stated:²⁴

Command later advised that a search warrant was approved. We were also advised that a gas plan was constructed, and it would be implemented by other operators. . . As other operators began deploying gas into the residence, more announcements using the PA were made.

Operators that were located in front of the residence, on the street began announcing out loud and over the radio that Elhebawy was coming up the stairs and Elhebawy had the rifle in hand. At this time, I was already focusing on the front door through the scope on my rifle. It should be noted the front door was open.

I then observed a male subject appear in the doorway. The male subject appeared to be Elhebawy. **I observed Elhebawy carrying what appeared to be a rifle in his right hand. Elhebawy made a quick step forward out of the doorway and towards the other operators on the street. I was afraid that Elhebawy was trying to close the distance with the other operators so he could have a better shot at them. I believed that if I let Elhebawy get any closer to the other operators while he was carrying what appeared to be a rifle, he could either kill them or cause serious harm to them. At which point, I fired three rounds**

²³ Emphasis added.

²⁴ Emphasis added.

from my .223 caliber TRIARC at Elhebawy. I was aiming directly at Elhebawy's upper chest area. I knew I had a good backstop of brick wall behind Elhebawy when I fired my weapon.

I watched Elhebawy fall from my view of him in my scope, towards the ground. I could hear the other operators still firing their weapons. . .

Detective Reier

Detective Reier refused to be interviewed by protocol investigators or make a statement about his use of deadly force. Detective Reier has a constitutional right to remain silent and is presumed innocent of any wrongdoing.

Detective Hofheins

Detective Hofheins provided a written statement to investigators regarding the incident.²⁵ Detective Hofheins said he responded to a SWAT callout and that once he was on scene, he was positioned in their armored vehicle (MRAP) and tasked with occupying the turret position to help monitor the front of the home. With respect to the events immediately surrounding the use of deadly force, Detective Hofheins stated:

I remained in this position [in the turret] for a couple of hours until the warrant was approved and the SWAT team began a less-than-lethal "gas plan" in an effort to get the suspect to surrender.

I donned my gas mask as operators deployed CS gas into the home. From my position [in the MRAP turret], I could see through the split-entry front door, which allowed me to partially view the stairs to the basement and to the second floor. At one point, I heard what sounded to me like a loud cough, which I believed was from the suspect as he began moving up the basement stairs. I observed that the suspect appeared shirtless, wearing only blue shorts. **What I perceived was that he had a black AR-15 style rifle in his right hand, carried under his right arm with the barrel pointed downward, and held by the grip.** From my perspective, it looked like he was attempting to move further up the stairs but stopped, apparently affected by the gas. **I immediately called out that I saw the suspect with a gun.**

The suspect then turned, looked toward the front door, and suddenly ran outside at a high rate of speed. To me, his movements appeared aggressive. As he exited the front door and stepped onto the landing, I perceived that he began raising the rifle from his right hand into what looked like a firing position at hip level, reminiscent of a "Scarface"-style shooting stance. I perceived him bring his left hand up to the front handrail of the rifle, while his right hand remained near the grip and trigger area. From my vantage point, the rifle appeared to be positioned in a way that could enable him to

²⁵ Emphasis added.

fire, and in that moment, it looked to me like he was pointing it in the direction of SWAT operators (Martinez, Curtis, and Strasters) who were positioned on the north side of the BearCat.

Given his aggressive movements, the way he was handling the rifle, the position of his hands, and my perception that the rifle was directed toward officers on scene, I believed he posed an immediate threat of death or serious bodily injury to other officers, to myself, and to members of the public who were sheltering in nearby homes. Because of those perceptions and fears, I determined that deadly force was necessary to stop that threat.

I fired several rounds from my department-issued rifle at the suspect. I stopped firing once I perceived that he had fallen to the ground and no longer appeared to be an immediate threat. I noted that the rifle still seemed to be oriented toward officers, including in my direction, even as he was on the ground. I heard a few additional rounds fired by other officers. I maintained cover until other officers, with the assistance of a K9, secured the suspect and moved him away from the rifle. . .

Lieutenant Webster

Lieutenant Webster provided a written statement to investigators regarding the incident. Lieutenant Webster said that after he arrived on scene, he activated the entire SWAT team, including armored vehicles, to respond, and that he then moved to the Immediate Action (IA) Team's position, which was staged in the cul-de-sac at a safe distance from the residence due to the suspect's access to a rifle. Lieutenant Webster said that as armored vehicles (BearCat and MRAP) arrived, he directed them to nose in together in front of the residence (MRAP left, BearCat right). With respect to the events immediately surrounding the use of deadly *force, Lieutenant Webster stated:

After several hours of negotiations and continued announcements with no compliance from Idrees, a search warrant was approved. A drone was deployed into the residence through the open front door. . . The drone was unable to locate Idrees inside the home.

After a gas plan was developed to deploy gas into the residence, I placed my gas mask on, along with other Operators. I positioned myself between the BearCat and MRAP, maintaining line of sight on the front door. Gas was then deployed into the residence.

Shortly thereafter, I heard loud coughing from inside and **observed Idrees running upstairs from the basement holding what appeared to be a rifle in his right hand. I immediately broadcast over the radio that he was armed and moving upstairs. Idrees then turned around at the top of the stairs and ran toward the front door, still holding what appeared to be the rifle. He appeared to be aggressively exiting the building, holding the weapon in a low**

position, then began raising it in our direction. In fear of serious bodily injury or death to myself, my fellow Officers or innocent bystanders, I discharged my department-issued Glock at Idrees. Multiple operators also discharged their weapons at what appeared to be the same time. I recall firing two rounds.

Idrees collapsed on the front porch with the rifle underneath him. Verbal commands to show his hands were given, but there was no response. I repositioned to the left side of the MRAP where a small team, including a Police K-9, was staged. I requested deployment of the K-9 to engage Idrees and pull him away from the weapon. The K-9 made contact and dragged Idrees from the rifle. . .

Agent Hansen

Agent Hansen refused to be interviewed by protocol investigators or make a statement about his use of deadly force. Agent Hansen has a constitutional right to remain silent and is presumed innocent of any wrongdoing.

Sergeant White

Sergeant White provided a written statement to investigators regarding the incident. Sergeant White said that when he arrived, he began setting up an IA team with two operators that had arrived with him. Sergeant White explained that after receiving additional information on scene, he had one of their SWAT operators call for armored vehicles and had the rest of the SWAT team called to respond. Sergeant White explained that after their SWAT armored vehicles arrived on scene, they were able to push up closer to the house, using the armored vehicles as cover. Sergeant White explained he remained in his position for a few more hours while detectives worked on writing and submitting a search warrant for the house and for Mr. Idrees. With respect to the events immediately surrounding the use of deadly force, Sergeant White stated:

After the warrant was signed and approved, I put my gas mask on and grabbed my rifle shield that I had been using during this operation. I had a rifle shield due to the reported information that Elhelbawy had a high-powered rifle.

At this time, there was a team assigned to deploy chemical gas into the house in order to try to push Elhelbawy out of the house and ideally surrender to us peacefully. While the gas team was getting their gear ready, another operator had flown an interior drone around the interior of the house, but did not locate anyone. He told me that all of the basement doors were closed, so he could not conduct a drone search of the basement rooms. This led me to believe that Elhelbawy was likely downstairs in the basement.

After the drone completed its initial search of the house, the gas team deployed CS gas and CS vapor into the majority of the back side of the house. I watched as

the gas flowed from the back of the house to the front of the house. I kept watching the front door, waiting to see if Elhelbawy would exit the house. After a few minutes, after the gas had been deployed, I heard what sounded like a male from inside the house expel a very loud cough and a loud gagging sound. Almost immediately after hearing the loud cough and gagging sound, I observed a male walk up from the basement and in front of the front door. **I observed what appeared to be a black AR-style rifle in his hands as he walked past the front door towards the stairs that led up to the top floor of the house.**

The male walked up the stairs for a few seconds but then immediately turned and walked to the front door. As he walked into the front doorway with his rifle still in his hands, I observed the suspect to look extremely agitated and then raised the rifle, pointing it right at me. As he began raising the rifle, I saw what looked like a flash from his rifle's muzzle and heard what sounded like a gunshot coming from his rifle. At this time, I feared for my life, observing and believing that the suspect was shooting a rifle at me and all of my partners on scene, and I made the decision to fire my handgun at the male. I was scared that the suspect had already shot one or more of my officers and feared he would continue to do so if I did not shoot him. I placed my red dot on his body and began firing at him with my handgun. As I fired, I could also hear other officers firing their weapons. I continued shooting until the suspect fell forward onto the front porch and until he was no longer moving.

After the male had fallen to the ground, I observed the rifle to be under his body with the muzzle of the rifle still pointed in our direction. I moved over to the left side of the armored MRAP vehicle, which was to my left, and joined up with the other operators on that side of the vehicle. We then made a plan to approach the suspect and have a police K9 drag the suspect's body away from the gun. . . As he was being dragged away from the front porch, I observed the rifle being dragged along the underside of his body with him. I placed my foot on the rifle to prevent it from going with his body in the event that he was still alive. The rifle then came loose from his body, with my foot holding it in place. . .

Officer Strasters

Officer Strasters refused to be interviewed by protocol investigators or make a statement about his use of deadly force. Officer Strasters has a constitutional right to remain silent and is presumed innocent of any wrongdoing.

Detective Curtis

Detective Curtis refused to be interviewed by protocol investigators or make a statement about his use of deadly force. Detective Curtis has a constitutional right to remain silent and is presumed innocent of any wrongdoing.

Detective Martinez

Detective Martinez refused to be interviewed by protocol investigators or make a statement about his use of deadly force. Detective Martinez has a constitutional right to remain silent and is presumed innocent of any wrongdoing.

Agent Rodriguez (SBI)

Investigators interviewed Agent Rodriguez, who said he was on a roof about 48 meters away from the front of the residence. Agent Rodriguez said that his assignment was sniper and his partner sniper was Detective Bronson. Agent Rodriguez said that he was covering the left side of the house and could see the front door, which was obscured by a bush. With respect to the use of deadly force, Agent Rodriguez said that gas was deployed to the house, he heard on the radio “movement” and commands being given, he saw gas and green lasers from SWAT rifles, and Detective Bronson fired 3-4 times.

Trooper Russell (UHP)

Investigators interviewed Trooper Russell who said that during the incident, he was assigned to be a shield operator for the MRAP team. Trooper Russell said he was positioned* behind the MRAP but had a good view of the front of the house. With respect to the use of deadly force, Trooper Russell said that he was on the shield when they started breaking windows to get gas into the house. Trooper Russell said:²⁶

I saw the suspect walking up the stairs. I saw him on the front landing, kind of like covering his face. And I didn't see anything at the time, but the shield cover just behind me, he said, “Hey, he's got—,” I don't know if he said a gun in his hand or his waistband, one of those two, it's really hard to hear with comms and everything going on. And no sooner did I see the suspect walk, not necessarily down the stairs, but he was on that landing, walk out the door and **he had an AR-style rifle pointed in the direction of the BearCat team**, so the MRAP team is . . . in the front of the house, but it's not in front of the garage door, it's in front of just the windows. And so he had it kind of pointed in that direction. . . . And I wasn't scared for myself, but **knowing that there were several team members who were definitely in the line of fire, I was scared for them**. I was nervous for them. I don't know what they can see. I know what I can see, and it's really chaotic trying to get on the radio with everybody else on the radio. So I was nervous that they weren't able to see what was happening. **And then as soon as, no later, as soon as he brought that rifle kind of up to like a ready position, then the shooting started**. I don't know if he shot any rounds.

Trooper Russell explained that when the suspect was walking out the front door, he only had a pair of shorts on and so the firearm in his hand was very clearly visible. When asked about how the rifle was positioned and if it had a sling, Trooper Russell recalled: “So he had like his right hand towards like the pistol grip, or the area where like the trigger is, you know, just behind

²⁶ Quotations have been lightly edited for concision and readability.

it so you can have a good grip on the firearm in order to make a good shot. I don't remember seeing a sling. But it was definitely in a position where he could easily manipulate it. Manipulating it, meaning he could move it at his own will." When asked further about how it was positioned, Trooper Russell explained: "Down, maybe like 45 degrees from like his waistband. And then as soon as he got out, came up, at almost a 90-degree angle, like towards everybody that was outside the residence." Trooper Russell confirmed that the suspect pointed the muzzle towards them and confirmed that he believed the suspect was going to shoot. Trooper Russell explained: "as soon as he came out with that rifle and aggressively like moved it to a position where he could shoot and shoot accurately, that's when I felt like he obviously would, if he could, if he did."

Trooper Russell said that Officer Reier fired his rifle, was his shield cover, and was behind him and to his left.

K-9 Officer Jones (WJPD)

Investigators interviewed K-9 Officer Jones who said he was positioned on the driver's side of the MRAP, where he could see the front door of the house. With respect to the use of deadly force, Officer Jones said he heard coughing from the house, the suspect came out of the house from the front door with a rifle pointed at officers, and officers shot the suspect to end the threat. Officer Jones said he did not fire because he was handling his K-9.

Medic Carver (West Jordan Fire Department)

Investigators interviewed SWAT Team Medic Carver who said he was positioned behind the BearCat and was assigned to help with shield cover. With respect to the use of deadly force, Medic Carver said he was behind the southern BearCat [the MRAP], that other officers were on shield (Russell) and shield cover (Reier), and he was just behind the [MRAP]. Medic Carver said they implemented their gas plan and that he heard that the suspect was coming out and that he had a gun, and then shots were fired. Medic Carver clarified that he didn't actually see him but was right next to Detective Reier who was firing. Medic Carver said that after the K-9 grabbed the suspect and dragged him back, he confirmed the death.

Sgt. Jeremy Matthews (UHP)

Investigators interviewed Sgt. Matthews who was positioned with the IA team around the armored vehicles at the front of the house, and that he was in between the armored vehicles (they had the doors on it open and were using shields). With respect to the use of deadly force, Sgt. Matthews explained that once they were told that the warrant was approved, they initiated the gas plan (to push the suspect to the front of the house). Sgt. Matthews said:

As we were waiting, I heard like somebody coughing from inside and then immediately after that, I saw a black male, dark-skinned male come from what looked like the downstairs area. It's a split-level home. So, when we were looking in, the front door was actually it open to the right, and that door was blocking our view of the downstairs. So, you couldn't see the downstairs, you

could only see up into the upstairs. So, it just immediately split. And it looked to me as I was watching that front door, he appeared from that right side, like so that he could come from the basement. As he ran across the door, you could see he had a black rifle, a long gun in his hand, and then he disappeared looking like he was gonna go up the stairs. And then immediately after that, he reappeared and came out through the front door. And that's when the other officers engaged the suspect.

Sgt. Matthews further explained, "It was very fast. He just kind of like came out. Again, he had the rifle in one hand, and, yeah, he kind of button-hooked around that corner. And like, as soon as he started coming towards our direction, that's when the officers fired at him. Sgt. Matthews did not remember what hand he was carrying it in but remembered seeing it as he was going, and that he kind of faced them as he went across there.

Trooper Johansen (UHP)

Investigators interviewed Trooper Johansen who said he drove the BearCat to the scene and gave commands from it. With respect to the use of deadly force, Trooper Johansen said that after the warrant was approved, SWAT began gassing the house. Trooper Johansen said that sometime later, he saw movement inside the house, he saw the suspect go upstairs, and the suspect then came out of the house with a rifle pointed at officers and shots were fired and the suspect went down.

Trooper Ingersoll (UHP)

Investigators interviewed Trooper Ingersoll who said he was in the turret of the BearCat with a 40mm less lethal launcher. With respect to the use of deadly force, Trooper Ingersoll said that once the warrant was approved, they sent the interior drone inside and then they executed the gas plan. Trooper Ingersoll said he watched the house slowly fill with chemical substances. Trooper Ingersoll said:

And then I saw the suspect. He was in the basement. I saw him walk. I had a pretty good view of the front door, so I saw him, it was a split level, so you have to walk past the front door to go up to the top level. So, he came from the basement, up, kind of saw him briefly in the threshold of the front door as he went up the stairs, and I saw him, he had a rifle in his hands. And then once he was upstairs for like a little bit, not very long, came back downstairs, came outside the house with the rifle, and that's when the volley of shots fired.

Trooper Ingersoll said that the suspect was holding the rifle with both hands. When asked if he remembered which how the rifle was, Trooper Ingersoll said, "I couldn't tell you if he actually was able to present the rifle up. He definitely didn't have it shouldered but had it in his hands, kind of pointed towards us. . . had it in both hands, pointed in our general direction, but didn't have it shouldered."

Witnesses C. P., B. P., H. L., and J. L.

Protocol investigators interviewed witnesses who were inside the next-door residence (where B. V. was), including a male who we refer to as “C. P.,” a female we refer to as “B. P.,” a male we refer to as “H. L.,” and a male we refer to as “J. L.”²⁷ The witnesses statements with respect to the use of deadly force is as follows.

C. P. C. P. said that his family heard a couple of shots from the back (he didn’t hear it), and “then a flash bang went off and then dude came out and it was, yeah, it was well-aimed fire.” C. P. confirmed that he saw the shooting happen and said that “he dropped,” and “he got turned first. . .” C. P. confirmed that he saw him holding a weapon. When asked where it was pointed, C. P. described, **“alert to the dirt, muzzle to the ground.”** That’s how you roll with an AR. . . and **before he brought it up, he was out.** C. P. further explained, “he didn’t get [the rifle] up. Your officers were on it,” and **“He was going up towards the SWAT officers.”** Absolutely. Without a doubt. They were columned between the two vehicles.” C. P. said that the only time he saw the suspect come out with the rifle was right before he was killed. C. P. said that he watched the shooting from the far-right window of his residence. When asked to describe when the suspect came out of the house, C. P. said:

He came out shirtless. I didn’t hear them, but my family members said that they thought they heard two shots in the backyard. . . And then came to the front. Shortly thereafter, it was probably less than two minutes I would say, and then I came to the front, and as he egressed out of the house, shirt was off, he was wearing blue shorts, maybe he had like blue sweats that were kind of like up to his knees. . . **[H]e was ‘alert to dirt.’ Before he got to his waist, . . . he got killed.**

When asked to explain “alert to dirt,” C. P. used a clock as an example: **“he was at six. . . ‘Alert to dirt’ is six. He got to eight and was killed.”**

B. P. B. P. said she heard some loud bangs and commotion in the back part of the house, she ran out to the living room and then saw smoke starting to come out of the front door of the house (the door was not closed). B. P. said: “very, very shortly thereafter, seconds, 30 seconds, not even a minute, is when we saw the assailant come out, come out of the house. We just saw barrel, you know, and then we just heard all of the shots from the officers. . .” B. P. said that from where she was standing, she saw a hand come up, but that she wasn’t wearing her glasses which she needs for distance. B. P. said, “I saw a figure and **I saw something come up**” but she was shifting her weight exactly when it happened, and so she shifted her line of sight and didn’t see the moment when he was actually shot by officers. When asked what direction he was pointing the item in his hand, B. P. said: **“It seems like he was pointing just straight out the door, which is exactly where officers were.”** When asked about how he exited the door, B. P. said that the door was already open and **“it seemed like he was very quickly trying to exit. It was like just a very swift.”** B. P. said that because her vision is not 100%, she just saw “a whole lot of lights and smoke and. . . heard a lot of noise.” When asked about what she saw in the suspect’s hands, B. P. explained, **“I saw something dark and a motion coming up this way**

²⁷ The residence is located at 1888 W. 7265 S. in West Jordan.

and it was longer than a hand. . . using the contextual information I have from [B. V.], my brain logically went ‘that is a firearm.’” B. P. said she did not get any security footage of the shooting.

H. L. H. L. said that at about 9:30-9:40 p.m., they heard two gunshots towards the back, then heard rapid fire, and then maybe 10 minutes later, “I saw the guy come out, you know, with, drawn up. And I saw him take like maybe two steps, and then it just opened fire, and we saw him drop. . .” H. L. said they had a clear vantage point of where the door is (he was standing behind C. P.). H. L. said, **“I saw him take like maybe two steps, but I saw him- with the gun up, not down, not, he was up, you know, ready to shoot.”** I don’t know if he got any rounds off, we just saw fire. . . I saw him come up and take two steps, and then, you know, he dropped.” H. L. explained, “the SWAT team released like a bomb or something that went off. That went off first, and then that’s when he charged out.”

J. L. J. L. said he heard what sounded like a couple shots in the backyard, he moved away from the window, and that as he was leaning out, he saw “the flurry of bullets.” J. L. said he both heard and saw the additional gunshots, but he did not see the suspect come out and he “just saw smoke and flash.”

Additional Witnesses

Investigators interviewed additional officers and civilians who were heard but did not see the shooting, as well as civilians who were inside the residence when the incident began.²⁸ They are mentioned here for completeness.

Physical Evidence

Protocol investigators inspected and documented the OICI scene, reviewed 911 and dispatch recordings and the call log, reviewed body-worn and helmet camera recordings, reviewed drone recordings, reviewed home security recordings, downloaded the Involved Officers’ weapons, and reviewed the autopsy findings.

²⁸ More specifically, investigators interviewed officers who were involved in the gas plan and/or in containment positions, the initial 911 caller/homeowner, three tenants and one visitor who were inside the residence when the incident began, and additional neighbors. Notably, one of the tenants, a female who we refer to as “D. S.” said that Mr. Idrees was her friend, he had taken a Lyft and got there at around noon, they had gone to the gas station and come back, he thought somebody had gotten his clothes wet (which were under an AC vent), he had been up for three days on methamphetamines, he pressed two of the tenants and then B. V. about it (B. V. walked away), and he had a gun disassembled in his bag and then started assembling it in her room (she was in the room with him). D. S. said Mr. Idrees went upstairs with it (she stayed downstairs and the other tenants were upstairs), he came back down a few minutes later, she was in her bedroom and he said he was taking it apart and she thought it sounded like he was disassembling it, went upstairs after him a few minutes later and saw that he still had his gun fully intact, and then went outside to smoke a cigarette and was contacted by police and was told to walk down the street. D. S. said that Mr. Idrees did methamphetamines after he got there, before they went to the gas station. D. S. denied that Mr. Idrees said he was going to kill anyone and said that he had said, “Y’all think I’m a fucking joke, I’m gonna show you that I’m not.” D. S. said that her room was the only bedroom in the basement. D. S. said that Mr. Idrees never aimed at anybody or brandished the rifle at them and that he was just holding it.

OICI Scene

Protocol investigators inspected the OICI scene which consisted of the single-family, split-level residence at 1889 West 7265 South, located at the end of a cul-de-sac; the roadway of the cul-de-sac; and the rooftop of the residence two houses away, at 1873 West 7265 South.

In the roadway of the cul-de-sac, a MRAP vehicle (marked with Utah Department of Public Safety “Rescue”) and a BearCat (marked with UHP license plate) were pointed in toward the residence, with the MRAP positioned north of the BearCat. In the vicinity of the armored vehicles (including inside the MRAP), investigators located a total of 48 spent .223 casings and 28 spent 9mm casings.²⁹ In addition, investigators located a .223 simunition casing (inside the MRAP’s rear) and an unfired .223 round (near the BearCat driver’s side front door). Investigators also located three magazines—an empty 20-round-capacity rifle magazine (near the MRAP driver’s side rear, belonging to Detective Reier), a 17-round-capacity Glock magazine containing one 9mm round (near the BearCat driver’s side doors, belonging to Sergeant White), and a 30-round-capacity rifle magazine containing 10 .223 rounds (in the MRAP’s turret, belonging to Detective Hofheins).

On the rooftop of 1873 West 7265 South, investigators located a TRIARC Systems 5.56mm caliber rifle laying on its side (fired by Detective Bronson during the incident and later downloaded (see below)), as well as another of Detective Bronson’s rifles (an Accuracy International .308 caliber rifle positioned on a tri-pod (not fired during the incident), additional equipment, and a rifle bag containing another rifle (not fired during the incident). Investigators located a total of five .223 casings, which were all determined to have been fired by Detective Bronson’s weapon.

Mr. Idrees’ body was located on the lawn in front of the residence. In the area of the front porch, investigators located a loaded Bushmaster XM15-EZ5 5.56 rifle, which had sustained bullet damage, as well as a broken-off piece from the weapon.³⁰ Investigators observed significant bullet damage to the front of the residence and inside, as well as to vehicles parked in front of the residence, and they recovered numerous multiple bullets and fragments (from the porch area and from throughout the residence’s interior). Investigators observed several broken windows throughout the residence (where SWAT had deployed gas) and located multiple gas canisters in and around the residence (*e.g.*, in the living room, bedrooms, garage, and front lawn). Investigators recovered a red and black duffel bag containing clothing (from the kitchen floor) and a cell phone (from the bottom of the stairs).

²⁹ Forensic analysis of the fired casings determined that 18 .223 casings were fired by Detective Reier’s rifle, 16 .223 casings were fired by Detective Hofheins’s rifle, two 9mm casings were fired by Lieutenant Webster’s handgun, seven .223 casings were fired by Agent Hansen’s rifle, 15 9mm casings were fired by Sergeant White’s handgun, six 9mm casings were fired by Officer Strasters’ handgun, six .223 casings were fired by Detective Curtis’ rifle, and five 9mm casings were fired by Detective Martinez’s handgun. One .223 casing was not analyzed.

³⁰ The rifle was stolen out of North Salt Lake during a residential burglary in January 2019. The rifle was loaded with one .223 round in the chamber and 16 .223 rounds in the 30-round capacity magazine, for a total of 17 .223 rounds.

911 Calls, Radio Traffic Recordings, and Call Dispatch Log

Investigators reviewed 911 calls, radio traffic recordings, and the call dispatch log relating to the incident. Notably, B. V. called 911 at 4:16 p.m. and reported that there was a man threatening him with a machine gun, that his name was “Bubu,” that the man was inside his house, and that he was next door.³¹ WJPD Officers Frost and Gordon were dispatched to the call.³²

The call notes indicate that at 4:39 p.m., a female [A. A.] was coming out of the house and that she would have another person with her, and that at 4:46 p.m., they [A. A. and Y. A.] were walking to police. At 4:54 p.m., officers attempted phone contact. From approximately 5:02 p.m. through 6:04 p.m., they had phone contact with Mr. Idrees, during which he made statements that he was going to come out with hands up, that he would be exiting, that he was going to say a prayer and then come out, that nobody was with him, and that he was coming out. Meanwhile, at 5:05 p.m., officers were advised that the suspect had a “F2 no bail parole warrant” and that he was flagged as “armed” and “gang affiliation,” and at 5:29 p.m., officers were advised that he had been shot before by police and that AP&P was saying he was “very dangerous and will not want to go back to prison.” At 5:54 p.m., officers started callouts. At 6:21 p.m., a female was coming out [A. S., the last female in the residence]. At 8:41 p.m., an interior drone was being deployed, and at 9:15 p.m., the command to execute [the gas plan] was given. At 9:17-9:18 p.m., good deployment [of gas] into the residence was reported. At 9:21 p.m., shots were fired. At 9:26 p.m., he was pulled away from the weapon, and at 9:32 p.m., he was confirmed deceased.

Notably, immediately prior to the shooting, the dispatch recording captures officers saying that they had contact, that he had a rifle, and that he had the gun in his right hand.

Body-Worn Camera and Helmet Camera Recordings

Protocol investigators reviewed body-worn and helmet camera recordings from officers who responded to the incident, including from many of the Involved Officers/IA team members.³³ Only two of the Involved Officers/IA team members captured video of the shooting—Detective Hofheins, who was located in the MRAP turret Agent Hansen, and who was located near the driver’s side of the BearCat, in between the armored vehicles.³⁴

³¹ During the call, B. V. reported, “There’s a man that’s threatening me with a machine gun. His name is ‘Bubu.’ He’s in my house. I’m next door.” B. V. further advised that there were three ladies still in the house, that the person was a friend of one of his tenants, and that the females were trying to settle him down. B. V. confirmed that the person was threatening the females as well, and advised, “He was threatening them because they were getting in front of him. Apparently, I heard it all downstairs. He approached me without it, and then he went down to get it. He had already brandished it. I could hear him talk about it.” Because the Involved Officers were not privy to the 911 call, we did not rely on its contents for the purpose of our screening analysis.

³² Officers were dispatched at 4:18 p.m.

³³ Due to the length of the incident, many of the responding officers’ camera batteries died prior to the shooting. Notably, recordings from earlier portions of the incident were available for Detective Bronson, Sergeant White, and Officer Strasters.

³⁴ Other officers on containment captured portions of the gas plan being executed as well as audio of the shots.

Detective Hoffheins' helmet camera recording is blurry from being out of focus and is in black and white. In relevant part, Detective Hoffheins is positioned in the turret of the MRAP with his rifle pointed towards the front door of the residence. The front door is seen moving (Hoffheins-3 at 08:17) and Officer Hoffheins yells, "Out the front. Movement in front. He's got a gun!" (Hoffheins-3 at 08:18). Shots are then heard from multiple weapons (Hoffheins-3 at 08:27-08:33), during which Detective Hoffheins is seen firing multiple rounds from his rifle. Detective Hoffheins then yells, "Kay, he's down. He's down" (Hoffheins-3 at 08:35-08:37). Detective Hoffheins remains in the turret until after officers approach Mr. Idrees.

Agent Hansen's helmet camera recording captures the shooting but is partially blocked by the shield. Agent Hansen is positioned with other officers by the BearCat driver's door, with his rifle pointed towards the front door; in front of him to the right is a shield held by another officer [Sergeant White]. Notably, several minutes after the command to "execute" the gas plan is given (Hansen-4 at timestamp 20:16:14),³⁵ the video captures the suspect walking up the stairs and the door is seen opening (Hansen-4 at timestamp 20:20:57); due to lights shining at the front door, the video doesn't capture the rifle in the suspect's hands. Several officers are heard saying that there is a gun in hand. Shots are then heard (Hansen-4 at timestamp 20:21:07-20:21:13). After officers check each other to make sure nobody is hurt, commands are again given to Mr. Idrees, and a drone is then sent to see his status. Using shields, officers then move up onto the front lawn. They then used a K-9 to separate Mr. Idrees from the rifle; as they pulled Mr. Idrees off the front porch and onto the front lawn, the rifle was dragged with him until officers stepped on it (Hansen-4 at timestamp ~20:26:16).

Drone Footage

Investigators reviewed footage from multiple drones flown during the incident, which had no audio. With respect to the use of deadly force, one of the drones captures the suspect coming out of the house with his right foot followed by his left foot and then blading out.³⁶ About one second later, shooting from the direction of where the IA team was positioned begins. Shooting stops approximately five seconds later.

A second drone captures inside the residence's upstairs living room after the gas plan is initiated and smoke fills the residence.³⁷ The drone then flies out the open front door, goes towards the backyard, and then begins to fly back over the house towards the front of the residence. As the drone is over the roof, shots are seen from the IA team positioned in the cul-de-sac, in the direction of the front door.

Notably, both drones capture Mr. Idrees lying face-down on the front porch of the residence, after shots are fired and before physical contact is made. The barrel of the rifle is seen coming out from under his body, pointed in the direction of the IA team. Both drones capture the officers' approach, the use of a K-9 to drag Mr. Idrees off the front porch and onto the front lawn, and the rifle being dragged with Mr. Idrees' body until officers stepped on it.

³⁵ The time stamps are off by an hour.

³⁶ The drone pilot was WJPD Officer Garcia.

³⁷ The drone pilot was WJPD Sgt. Smith.

Home Security Recordings

Investigators reviewed doorbell Ring camera recordings from a residence two houses away which captured much of the events unfolding and the police response in the cul-de-sac.³⁸ However, with respect to the shooting, the video doesn't capture much detail because it is dark outside (officers are seen to the passenger side of the BearCat) but captures the sound of gunshots.

Investigators also reviewed Ring camera recordings from the next-door residence, which captured events relating to the incident, but not the shooting itself.³⁹

Weapons Downloads

Protocol investigators examined and downloaded Detective Bronson's TRIARC Systems 5.56mm caliber rifle, which had an inserted 20-round-capacity magazine.⁴⁰ Protocol investigators counted one .223 round in the chamber and 12 .223 rounds in the inserted magazine, for a total of 13 .223 rounds. Presuming that Detective Bronson began with a fully loaded inserted magazine and an empty chamber, that count indicates that he likely fired up to seven .223 rounds. Notably, five .223 casings were located on the rooftop and determined to have been fired from his weapon.

Protocol investigators examined and downloaded Detective Reier's TRIARC Systems 5.56mm caliber rifle, which had an inserted 20-round-capacity magazine.⁴¹ Protocol investigators counted one round in the chamber and 18 rounds in the inserted magazine, for a total of 19 rounds. Notably, Detective Reier stated that he performed a magazine change on scene, and investigators located an empty 20-round magazine near the driver's side of the MRAP, which they determined was his. Presuming that Detective Reier began with a fully loaded inserted magazine and an empty chamber, and that he did not fire after changing the magazine, that count indicates that he fired up to 20 .223 rounds (all from the discarded magazine; the new magazine would have contained only 18 or 19 rounds). Notably, 18 .223 casings which were located on scene were determined to have been fired from his weapon.

Protocol investigators examined and downloaded Detective Hofheins's TRIARC Systems 5.56mm caliber rifle, which had an inserted 20-round-capacity magazine. Protocol investigators counted one .223 round in the chamber and 18 .223 rounds in the inserted magazine, for a total of 19 .223 rounds.⁴² Investigators also counted 20 .223 rounds in a spare 30-round-capacity magazine which they determined he removed from his weapon after the shooting. Presuming that Detective Hofheins began with a fully loaded inserted magazine and an empty chamber, that count indicates that he fired up to 19 .223 rounds (a round would have remained in the chamber

³⁸ The Ring doorbell recordings were from 1884 W. 7265 S. in West Jordan.

³⁹ The Ring camera recordings were from 1884 W. 7265 S. in West Jordan.

⁴⁰ The rifle was recovered from the rooftop of 1873 West 7265 South along with Detective Bronson's Remington Model 700 .308 Winchester bolt-action rifle (which was not fired during the incident). Investigators also downloaded Detective Bronson's handgun and spare magazines, which were not involved.

⁴¹ Investigators also downloaded Detective Reier's handgun and spare magazines, which were not involved.

⁴² Investigators also downloaded Detective Hofheins' handgun and spare magazines, which were not involved.

during the magazine change). Notably, 16 .223 casings which were located on scene were determined to have been fired from his weapon.

Protocol investigators examined and downloaded Lieutenant Webster's Glock 45 9mm caliber pistol, which had an inserted 17-round-capacity magazine. Protocol investigators counted one 9mm round in the chamber and 17 9mm rounds in the inserted magazine, for a total of 18 rounds.⁴³ Investigators also counted 15 rounds in a spare 17-round-capacity magazine, which they determined was used during the incident. Presuming that Lieutenant Webster began with a fully loaded inserted magazine and a round in the chamber, and that he changed magazines after shooting (with a round remaining in the chamber during the reload), that count indicates that he fired up to two 9mm rounds. This count is consistent with the two 9mm casings located on scene that were determined to have been fired from his weapon.

Protocol investigators examined and downloaded Agent Hansen's Loyal 9 Manufacturing Model L89 5.56mm caliber rifle, which had an inserted 20-round-capacity magazine. Protocol investigators counted one round in the chamber and 19 rounds in the inserted magazine, for a total of 20 .223 rounds.⁴⁴ Investigators also counted 20 .223 rounds in a spare 30-round-capacity magazine, which they determined he removed from his weapon while performing an administrative reload after the shooting. Presuming that Agent Hansen began with a fully loaded inserted magazine and an empty chamber, that count indicates that he fired up to nine .223 rounds (a round would have remained in the chamber during the magazine change). Notably, seven .223 casings located on scene were determined to have been fired from his weapon.

Protocol investigators examined and downloaded Sergeant White's Glock 45 9mm caliber pistol, which had an inserted 17-round-capacity magazine. Protocol investigators counted one round in the chamber and 16 rounds in the inserted magazine, for a total of 17 rounds.⁴⁵ Investigators located a 17-round magazine containing one 9mm cartridge under the front driver's side of the BearCat, which they determined was his. Presuming that Sergeant White began with a fully loaded inserted magazine and a round in the chamber, and that he discarded the magazine after the shooting (a round would have remained in the chamber during the magazine change), that count indicates that he likely fired up to 16 9mm rounds. Notably, 15 9mm casings located on scene were determined to have been fired from his weapon.

Protocol investigators examined and downloaded Officer Strasters's Glock 45 9mm caliber pistol, which had an inserted 17-round-capacity magazine. Protocol investigators counted one round in the chamber and 11 rounds in the inserted magazine, for a total of 12 9mm rounds.⁴⁶ Presuming that Officer Strasters began with a fully loaded inserted magazine and a round in the chamber, that count indicates that he fired up to six 9mm rounds. Notably, six 9mm casings located on scene were determined to have been fired from his weapon. Additionally, investigators examined a Penn Arms less-lethal 40mm launcher (less-lethal) which was used by Officer Strasters during the incident; it had a spent CS impact round in the chamber.

⁴³ Investigators also downloaded Lieutenant Webster's additional spare magazines, which were not involved.

⁴⁴ Investigators also downloaded Agent Hansen's handgun and spare magazines, which were not involved.

⁴⁵ Investigators also downloaded Sergeant Webster's spare magazines, which were not involved.

⁴⁶ Investigators also downloaded Officer Strasters' spare magazines, which were not involved.

Protocol investigators examined and downloaded Detective Curtis's TRIARC Systems 5.56mm caliber rifle, which had an inserted 30-round-capacity magazine. Protocol investigators counted one round in the chamber and 21 rounds in the inserted magazine, for a total of 22 .223 rounds.⁴⁷ Presuming that Detective Curtis began with a fully loaded inserted magazine and an empty chamber, that count indicates that he fired up to eight .223 rounds. Notably, six .223 casings located on scene were determined to have been fired from his weapon.

Protocol investigators examined and downloaded Detective Martinez's Glock 45 9mm caliber pistol, which had an inserted 21-round-capacity magazine. Protocol investigators counted one round in the chamber and 15 rounds in the inserted magazine, for a total of 16 9mm rounds.⁴⁸ Presuming that Detective Martinez began with a fully loaded inserted magazine and a round in the chamber, that count indicates that he likely fired up to six 9mm rounds. Notably, five 9mm casings located on scene were determined to have been fired from his weapon.

Autopsy

Brent Davis, M. D., with the Utah Office of the Medical Examiner performed an autopsy of Mr. Idrees' body and determined that he died of multiple gunshot wounds. Specifically, Dr. Davis found multiple gunshot wounds of the head, neck, torso, and both upper and lower extremities, with injuries of the skull, brain, heart, lungs, liver, kidney, long bones, and soft tissue. Numerous bullets and fragments were recovered from Mr. Idrees' body and observed on radiographs. Dr. Davis reported positive post-mortem toxicology results (femoral blood) for methamphetamine (781 ng/ml) and its metabolite, amphetamine (94 ng/ml), and caffeine (presumptive positive).

LEGAL ANALYSIS

The scope of this review, and the OICI protocol investigation related to it, is narrow in its scope and purpose: to determine whether the facts of this case, when applied to the law, warrant the filing of a criminal charge against an officer who used deadly force. In considering whether to charge a criminal offense against a law enforcement officer who uses deadly force, we try to ascertain whether Utah's broad affirmative legal defense of justification, particularly as applied to law enforcement officers, effectively precludes criminal prosecution based on the facts before us. In other words, we ask whether an officer could establish at trial that his or her use of deadly force was justified. To answer that question, we ask whether he or she reasonably believed the use of deadly force was necessary to prevent death or serious bodily injury to the officer or an individual other than the suspect. *See* Utah Code § 76-2-404(2)(c).

As discussed more fully below, we believe the totality of the facts in this matter, taken together with reasonable inferences arising from those facts, would likely satisfy the elements of the affirmative legal defense of justification as applied to the Involved Officers' use of deadly force. In other words, we believe that if charges were filed against them for their use of deadly force, a jury (or other finder of fact) would have a reasonable basis to conclude that they used deadly force because they reasonably believed that deadly force was necessary to prevent death

⁴⁷ Investigators also downloaded Detective Curtis' handgun and spare magazines, which were not involved.

⁴⁸ Investigators also downloaded Detective Martinez' spare magazines, which were not involved.

or serious bodily injury to themselves and/or another. Where the facts of a case satisfy these elements of the affirmative legal defense of justification, Utah State law affords an officer a legal defense and the finder of fact is instructed to render a verdict of not guilty of the offense(s) alleged.

As noted above, Detective Reier, Agent Hansen, Officer Strasters, Detective Curtis, and Detective Martinez refused to be interviewed or provide a statement explaining their use of deadly force, as is their constitutional right, whereas Detective Bronson, Detective Hofheins, Lieutenant Webster, and Sergeant White provided written statements to investigators. Without Detective Reier's, Agent Hansen's, Officer Strasters, Detective Curtis' and Detective Martinez's explanations as to their use of deadly force, we don't know what their actual beliefs were or their reasons for their apparent decisions to fire their weapons. We are therefore left to infer the rationale for their apparent decisions to use deadly force based on other evidence we received, as well as the reasonable inferences to be drawn from that evidence. In similar situations where a shooting officer has refused to answer questions or provide a statement, we have proceeded in this manner. In doing so, however, we have never strayed from the objective evidence or testimony of other witnesses, nor do we do so here. While it is the prerogative and constitutional right of an officer not to share information with investigators, an officer's refusal to explain his or her apparent decision to use deadly force does not diminish our duty to explain and account for our decisions and conclusions or absolve us of our obligations to the community to present the truth to the community about an officer's use of deadly force on a member of our community.

While we do not know Detective Reier's, Agent Hansen's, Officer Strasters, Detective Curtis', and Detective Martinez's actual beliefs and thus cannot say whether they "reasonably believed" deadly force was necessary, we can infer the reasonableness of a belief that deadly force was necessary from the facts of which we are aware. In this case, we know that JSOG operators were responding to a barricaded suspect armed with a rifle, and that they were further advised that Mr. Idrees had threatened to kill B. V. while armed with a rifle, that he had a felony warrant for his arrest, that he had a violent criminal history, that he was a gang member, and that he was very dangerous and most likely wouldn't want to go back to prison. We know that at about 6:00 p.m., JSOG arrived with the armored vehicles, positioned them in front of the residence, and began commanding Mr. Idrees to exit with his hands empty over the vehicles' loudspeakers. Over the next couple hours, Mr. Idrees did not comply and remained barricaded inside. Then, after gas was deployed inside the house, Mr. Idrees came up from downstairs, opened the door, and quickly came out with a rifle and began raising it in the direction of the JSOG operators positioned in front of the residence.

Detective Bronson's, Detective Hofheins', Lieutenant Webster's, and Sergeant White's provided the following statements regarding the threat they perceived before firing their weapons. For example, Detective Hofheins stated:

What I perceived was that he had a black AR-15 style rifle in his right hand, carried under his right arm with the barrel pointed downward, and held by the grip. . . **The suspect then turned, looked toward the front door, and suddenly ran outside at a high rate of speed. To me, his movements appeared aggressive.** As he exited the

front door and stepped onto the landing, I perceived that he began raising the rifle from his right hand into what looked like a firing position at hip level, reminiscent of a “Scarface”-style shooting stance. I perceived him bring his left hand up to the front handrail of the rifle, while his right hand remained near the grip and trigger area. From my vantage point, the rifle appeared to be positioned in a way that could enable him to fire, and in that moment, it looked to me like he was pointing it in the direction of SWAT operators (Martinez, Curtis, and Strasters) who were positioned on the north side of the BearCat.

Similarly, Lieutenant Webster stated:

I . . . observed Idrees running upstairs from the basement holding what appeared to be a rifle in his right hand. . . stairs and ran toward the front door, still holding what appeared to be the rifle. He appeared to be aggressively exiting the building, holding the weapon in a low position, then began raising it in our direction.

Additionally, Sergeant White stated:

I observed a male walk up from the basement and in front of the front door. I observed what appeared to be a black AR-style rifle in his hands as he walked past the front door towards the stairs that led up to the top floor of the house. The male walked up the stairs for a few seconds but then immediately turned and walked to the front door. As he walked into the front doorway with his rifle still in his hands, I observed the suspect to look extremely agitated and then raised* the rifle, pointing it right at me. As he began raising the rifle, I saw what looked like a flash from his rifle’s muzzle and heard what sounded like a gunshot coming from his rifle.⁴⁹

Detective Bronson also stated:

I observed Elhebawy carrying what appeared to be a rifle in his right hand. Elhebawy made a quick step forward out of the doorway and towards the other operators on the street. I was afraid that Elhebawy was trying to close the distance with the other operators so he could have a better shot at them. I believed that if I let Elhebawy get any closer to the other operators while he was carrying what appeared to be a rifle, he could either kill them or cause serious harm to them.

Other evidence in this case, including the statements of witnesses who were next door, further corroborates the above statements regarding the threat presented by Mr. Idrees. For example, C. P. described seeing Mr. Idrees holding the weapon pointed “alert to the dirt, muzzle to the ground” and then Mr. Idrees bringing it up, from a six o’clock position to an eight o’clock position. B. P. recalled seeing the weapon pointed “straight out the door, which is exactly where officers were” and that she “saw something dark and a motion coming up.” H. L.

⁴⁹ Notably, the investigation found no evidence to support that Mr. Idrees fired his weapon.

also recalled seeing **“him take like maybe two steps, but I saw him with the gun up, not down, not, he was up, you know, ready to shoot.”** Additionally, while video did not capture the gun as Mr. Idrees exited, it captured him rapidly coming out of the residence and onto the front porch; it further captured the rifle underneath his body after he fell.

Based upon the facts in this case, as outlined here, we believe it is reasonable for us to infer that the Involved Officers believed they needed to use deadly force against Mr. Idrees to prevent death or serious bodily injury to themselves and/or others, and that such a belief was reasonable. Mr. Idrees presented an immediate threat of death or serious bodily injury to the officers positioned in front of the residence when, after refusing to comply with commands and remaining barricaded inside with a rifle for over four hours, he quickly came upstairs and came out the front door with a rifle and began raising it in the direction of officers.

The totality of the facts in this case, taken together with reasonable inferences about the Involved Officers' apparent decisions to use deadly force, would likely cause a jury to determine that their use of deadly force satisfies the elements of the affirmative legal defense of justification. Assuming their testimony in a criminal case (if any) would be consistent the facts as we believe them to be based upon the evidence produced by the protocol investigation, we believe a jury would likely conclude that they used deadly force because they reasonably believed deadly force was necessary to prevent death or serious bodily injury to themselves and/or another. Such a use of deadly force, by an officer who reasonably believes the deadly force is necessary to prevent death or serious bodily injury to himself or another person, satisfies the elements of the affirmative legal defense of justification and affords the officer a legal defense to a criminal charge. Thus, in this case, we believe a jury would likely find that the facts satisfy the elements of a justified use of deadly force.

If, for the sake of discussion, we elected to file charges against the Involved Officers for their use of deadly force, and they asserted the legal defense of justification, we would have to prove at trial, beyond a reasonable doubt and to the unanimous satisfaction of all jurors, that they did not reasonably believe that using deadly force against Mr. Idrees was necessary to prevent death or serious bodily injury to themselves or another person. We do not believe the facts of this matter would support an effort to disprove the justification defense. We believe that the Involved Officers would likely claim successfully at trial that they reasonably believed deadly force was necessary; therefore, their use of deadly force would be found justified and they would be afforded a legal defense to a criminal charge.

Because the statutory defense of justification is an affirmative legal defense, we, as the prosecution, bear the burden of showing evidence to prove that the affirmative defense does not apply. In other words, to achieve a conviction against the Involved Officers for their use of deadly force, we would have to show evidence to prove, beyond a reasonable doubt, that either they did not believe they needed to use deadly force to prevent death or serious bodily injury (to themselves or another person); or, that if they did believe they needed to use deadly force, that their belief was unreasonable. We do not believe we have sufficient evidence to do so. Based on the evidence before us, we conclude that no reasonable jury would unanimously determine that the Involved Officers did not reasonably believe deadly force was necessary in this situation.

We conclude that we could not refute or overcome the affirmative legal defense of justification and therefore, we believe a jury would afford the Involved Officers the legal defense.

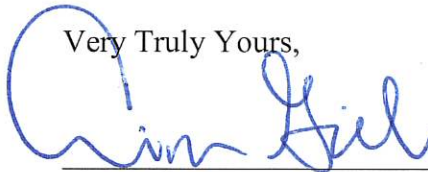
As the United States Supreme Court instructed in *Graham*, assessing “reasonableness” in the Fourth Amendment context “requires careful attention to the facts and circumstances of each particular case, including . . . whether the suspect poses an immediate threat to the safety of the officers or others.” 490 U.S. at 496 (emphasis added). The facts of this matter support a conclusion that the Involved Officers could successfully argue that they reasonably believed their use of deadly force was necessary to prevent death or serious bodily injury to themselves and/or another individual. In short, paying “careful attention to the facts and circumstances” of this case, and considering the totality of the evidence and reasonable inferences to be drawn therefrom, we conclude that the Involved Officers’ use of deadly force would likely satisfy the elements of a justified use of deadly force as set forth in Utah State law.

CONCLUSION

As noted previously, the facts and conclusions set forth in this letter are based on the evidence of which we are currently aware. Should additional facts become available, these conclusions may change.

As outlined in more detail above, we conclude that the facts in this case, together with the reasonable inferences about the Involved Officers’ decisions to use deadly force, would likely support a finding that they reasonably believed deadly force was necessary to prevent death or serious bodily injury to themselves and/or others. As such, we believe that a jury would likely find that the facts and reasonable inferences satisfy the elements of the affirmative legal defense of justification and therefore afford them a legal defense to a criminal charge. Accordingly, we decline to file a criminal charge against them in this matter.

Very Truly Yours,



Sim Gill,
Salt Lake County District Attorney